

224 Superior Street
Victoria, BC, V8V 1T3
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ferndon22@gmail.com



October 31, 2018

Honorable Mayor Lisa Helps and Victoria City Council
1 Centennial Square
Victoria, BC V8W 1P6

Dear Mayor Helps and Council Members:

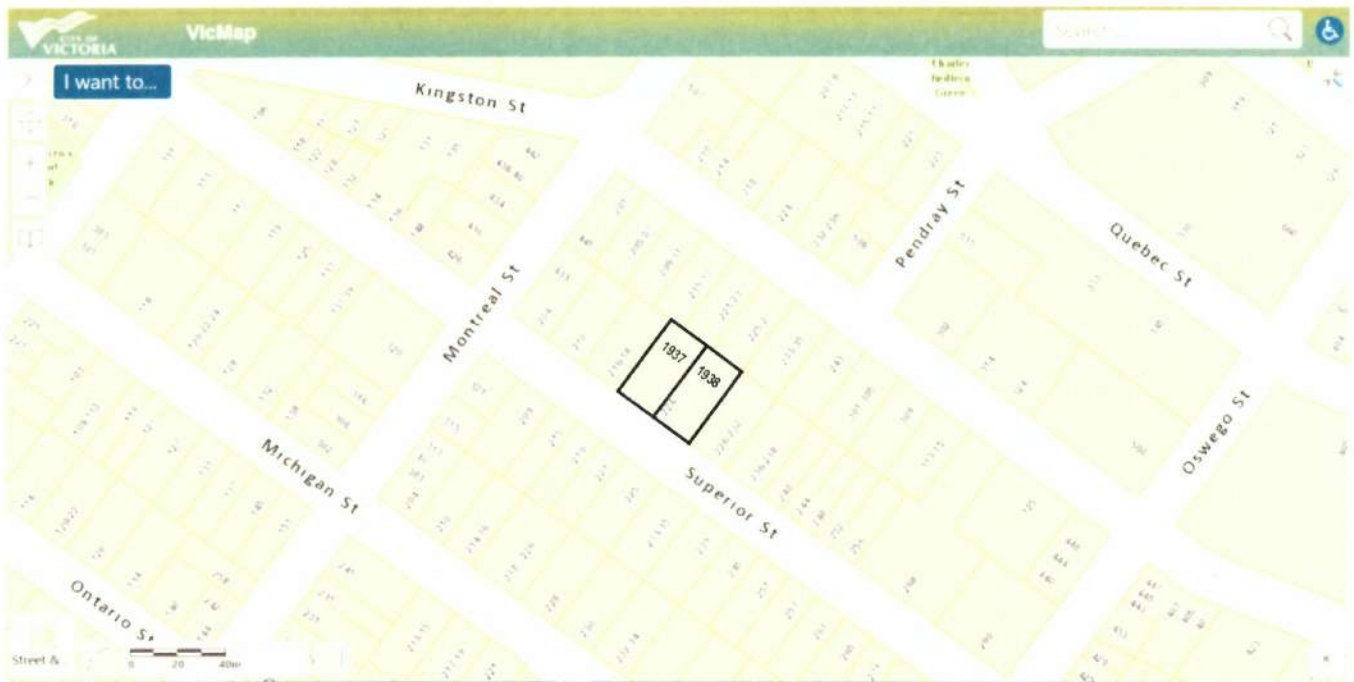
Re: Rezoning and redevelopment of 224 Superior Street

As per the motion passed by Council on July 26, 2019, this is the revised proposal of our plans for the redevelopment of our home and business at 224 Superior Street. We have worked with the neighbours on the west side to integrate the requested changes into the development. As you can see from their email on page 14 and the new signed petition letters on pages 15 and 16, we now have their support. This means that we now have support from 100% of the neighbours abutting the subject property and we look forward to moving the project forward.

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1. Description of the Project



- **Currently:**
 - T15 zone allowing R-2, Two Family Dwelling and Transient Accommodation
 - Registered heritage house operating as a bed and breakfast
 - Two 60 foot x 120 foot lots
 - West side of site is a large parking area
- **Proposal:**
 - Convert the bed and breakfast into 4 strata homes with private gardens
 - Each strata unit will be 2 bedroom and 2 bath
 - Subdivide existing west parking area into a small lot with a single-family home
 - New home will be 2 bedroom

2. The History of the Project

We have owned the property for 14 years. When we bought it in 2005, we discovered it to be in much worse condition than we had been led to believe it was in, and over the years, in order to become one of Victoria's best B&B operations, we invested hundreds of thousands of dollars in addition to the purchase price.

It is a fact that the bed and breakfast industry in Victoria has changed, as it has in all cities where internet home-share schemes are active. We tried to sell the bed and breakfast and had it on the market for about 18 months. But, with an unknown playing field, we received only 2 offers, one for about the same amount as, and one for less than, we had paid for it 14 years earlier.

Facing this reality, with both our business and our home at risk, after much research, professional advice, thinking and anxiety, we decided that the best option was to redevelop the property in accordance with the James Bay Community Plan and the detailed guidelines set out by the City of Victoria

- **April 25, 2017-** Our project was submitted to the Planning Department. After that, we spent several months working with the Planning and Heritage Departments to incorporate changes that they requested. At the end of this process, **the Planning and Heritage Departments supported our proposal** and recommended that Council Approve our applications.
- **December 14, 2017-** The application was presented to the Committee of the Whole. **The project was approved** with a vote of 8 in favour and one opposed. At this time, Council requested 2 things:
 1. that we work with staff to ensure that the parking configuration was the best possible.

We worked with the Planning and Heritage departments on the location and configuration of the parking and, after meetings with them, the parking as currently configured was approved.
 2. that we cede to the City an 8 foot Statutory Right of Way along the front of the property.

The SRW has been completed and registered with BC Land Registry.
- **June 28, 2018-** The necessary bylaws regarding the rezoning for the project were presented to Council. **These bylaws were approved** with a vote of 8 in favour and one opposed.

- **July 12, 2018-** At the Public Hearing, our project was presented with support from the following:
 - the Planning Department
 - the Heritage Department
 - the Executive of the James Bay Community
 - 19 of 21 of our neighbours.

At that hearing, the only public opposition was from the two neighbours to the west.

There was support for the changes that we were proposing to the heritage house.

Opposition focussed, generally, on 3 areas:

1. Rental Restrictions in the Strata
2. the Small Lot House
3. Housing Diversity

Based on these concerns, Council rejected the project with a tie vote of 4 in favour and 4 opposed.

- **July 26, 2018-** Mayor Helps introduced a motion for the '*Reconsideration of Rezoning and Development Permit with Variances Application for 224 Superior Street*' on the condition that we make the changes to the small lot house as presented in our letter to her dated July 24, 2018. Please see Page 13. **The motion was approved** with a vote of 5 in favour and 4 opposed.
- As we have demonstrated throughout the 2½ year process, we have been more than willing to adapt to changes that are requested and we immediately began incorporating changes to the project as outlined below. **We had communications with the neighbours about the changes which happily led to their agreeing to support the project.** Please see their emails on Page 14, and their signed Petition Letters on Pages 15 and 16.
- **With this resubmission, we have support from the following:**
 - the Planning Department
 - the Heritage Department
 - the Executive of the James Bay Community
 - **21 of 21 of the neighbours that about the property, i.e., 100%**; please see additional information on Page 9.
- **Please note that the new small lot house now meets all the requirements of the City's Regulations and has no variances.**

3. What We Have Done

We carefully studied the comments made at the Public Hearing on July 12, 2018 when the initial application came before Council and have addressed the concerns put forward by neighbours and members of Council. We have made significant changes which are detailed below.

4. No Rental Restrictions

We have agreed to sign a Housing Agreement to **not restrict rentals** in the future Strata Bylaws.

5. Changes We Have Made to the Small Lot House

As outlined in our letter to the Mayor on July 24, 2018, (please see page 13) the following is a list of changes we have made to address concerns expressed by the neighbours to the west:

- a. Reduce the height of the roof-
we reduced it by 4 feet
- b. Reduce the overhang of the eaves-
we reduced it by one foot
- c. Reduce the size of the gable on the east side-
we lowered it 5 feet
- d. Reduce the width of the house-
we reduced it by 2 feet
- e. Push back the second-floor bay window-
we pushed it back 1 foot
- f. Reduce the size of the lower roof-
we reduced it by one foot
- g. Eliminate the second-floor piano windows-
we eliminated it completely
- h. Reduce the size of the balcony on the rear of the house
We eliminated it completely.

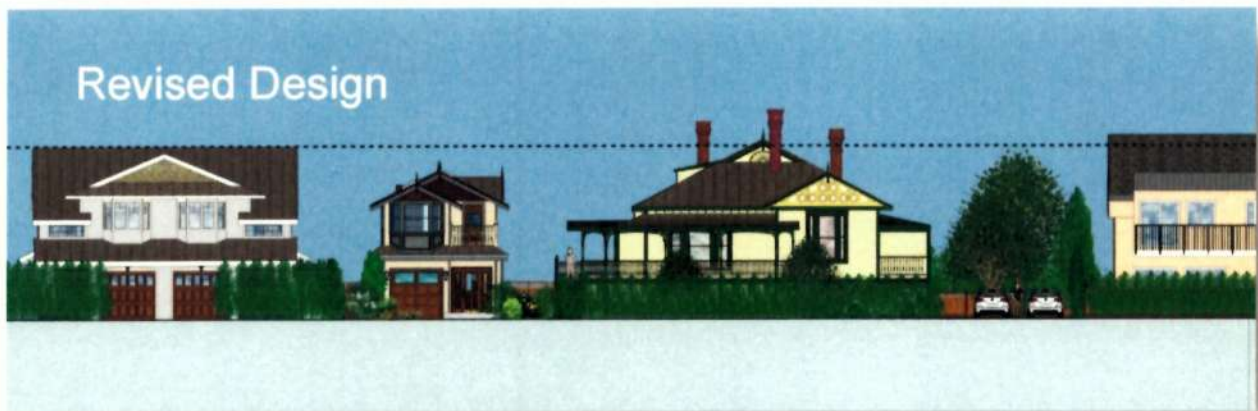
The illustration on the next page shows the Revised Design as compared to the Original Design.



Shaded Area
Indicates the
Size and Height
of the Original
Design

6. Project Design- The New Rooflines

The following illustrations show the relative rooflines of the neighbouring buildings and the Original and the Revised Designs of the Small Lot House.



7. Housing Diversity

The completed project will add 5 new units to Victoria's housing inventory. The fact that this project is on Superior Street, one of the most desirable streets in the market due to its proximity to the Legislature and Downtown, means that diversity in affordability will not be easily accomplished. One of the new units will be a single-family house in James Bay. And we all know what the cost of a single family home in James Bay is these days. The City's regulations don't allow for the creation of anything else on this small lot so there is no other option.

The other 4 units will be in a beautiful, designated heritage house, with 11 foot ceilings, mouldings, frescos, private gardens and other unique features.

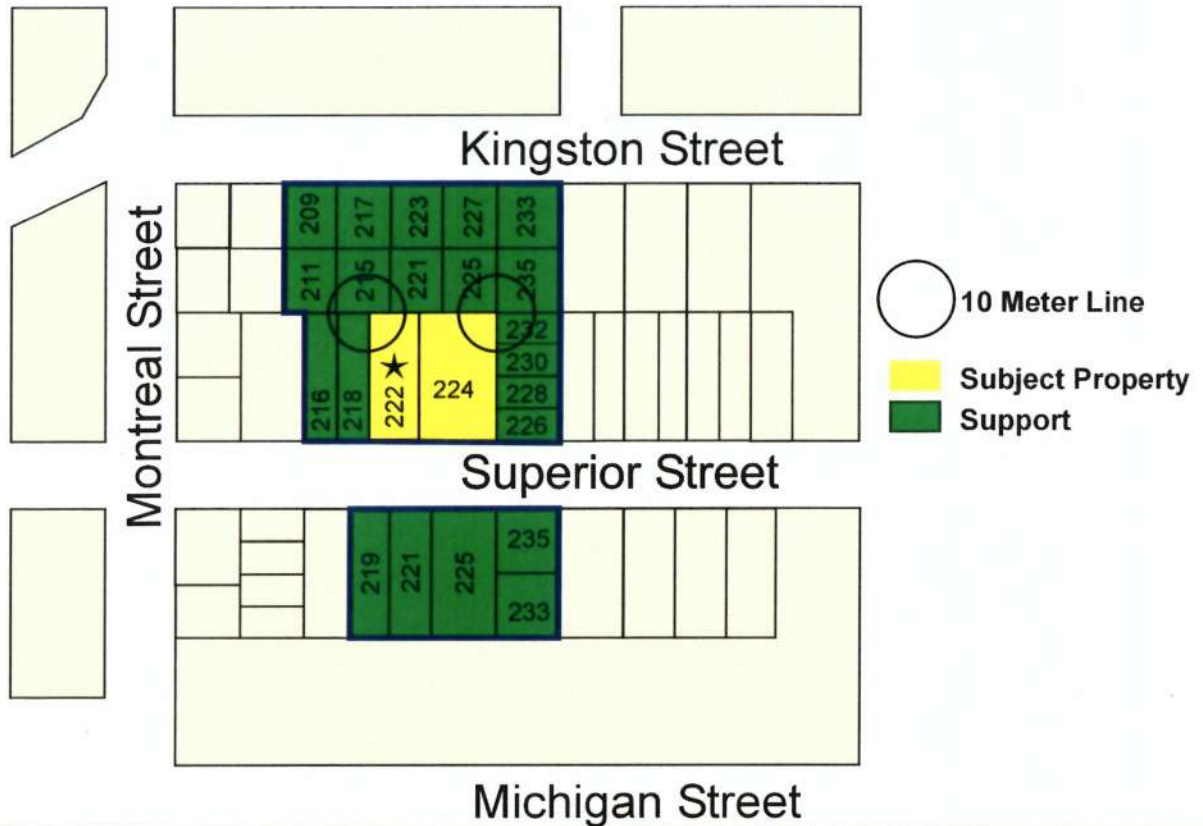


It should be noted that, following the original application, we investigated the feasibility of converting the heritage house into as many as 8 units instead of 4. This would have necessitated the loss of many of the important historical features inside the house, and, equally as important, would have required a considerable variance for the parking. As it is, with 4 units, the parking has been the biggest sticking point all along and it seemed improbable that 6 or 8 parking places, no matter how they were configured, would meet with neighbour OR Planning OR Heritage Department approval.

The fact is, in the current economy, real estate of this nature and in this location has a certain value and while diversity in housing is a necessary goal that the City must pursue, this project, this location, and the restrictions in place for its redevelopment, mean it is

not the place to solve the problem. Not all housing units lend themselves to creating diversity. We feel that these 5 new dwellings, while perhaps not significant in terms of numbers, are none the less a contribution to housing diversity in Victoria.

8. Neighbourhood Support



The regulations regarding Small Lot Subdivision require 75% support of neighbours abutting the property. **We are pleased to say that, with the changes we have made, we have support from 100% of the neighbours that abut the property.**

9. Variances- Strata Units

- 3 variances are being requested, all for the strata conversion:
 1. Location of the parking for the strata conversion. City bylaws require that parking be behind the front face of the house. This was achievable but it would require cutting down 3 trees, and adding twice as much paving as is needed by our proposed parking which is in the front of the lot. The parking as currently configured has been approved by the Planning Department.
 2. Side yard setback on west side of the strata conversion.

Required Setback-	2.7 meters
Requested Setback-	1.2 meters

This measurement is taken from the property line to the **edge of the stairs** leading up to the house.

However, in addition to the above, please consider the following setbacks as well:

The distance from the property line to the verandah-	2.4 meters
The distance from the property line to the house-	4.1 meters.

3. Rear yard setback of the strata conversion. The set back from the property line to the existing stairs is 1.36 meters. We have not made any change here: it is as it has always been.

10. Variances- Small Lot House- None

- The new small lot house meets all of the requirements as specified in the City's Small Lot House Rezoning Policy. No variances are requested.
- The new small lot is 47% larger than required by the guidelines
- The Site Coverage is 25% less than is allowed
- The Floor Space Ratio is 23% less than is allowed
- The Building Height is 13% lower than is allowed
- Please see details below.

PROJECT INFORMATION TABLE

222 Superior Street

	New Small Lot	Zoning Standard for the Small Lot	Calculate Variance
Zone	R1-S2	R1-S2	None
Site area (sq. meters)	383.02	260.00	None
Site coverage %	30.15%	40.0%	None
Total floor area (sq. meters)	182.96	190	None
Floor space ratio	0.47:1	0.6:1	None
Height of building (meters)	7.2	7.5	None
Number of storeys	2	2	None
Building Setbacks (m)			
Front yard	6	6	None
Rear yard	8.512	6	None
Side yard (west)	1.8	1.5- 2.4	None
Side yard (east)	1.5- 2.7- 5.5	1.5- 2.4	None
Open site space %	61.28%		None
Parking stalls (number) on site	1	0	None
Bicycle parking number	in the garage		None



As you can see from the above illustrations, we have designed a project that fits well with the ambiance of James Bay and which we are certain will have a positive affect on the neighbourhood and the city.

Respectfully submitted,

Don Halton and Fernando García
Please see Addenda following.

Addenda

A. Email to Mayor Helps- July 24

From: Don and Fernando <ferndon22@gmail.com>
Date: Tuesday, July 24, 2018 at 2:11 PM
To: "Lisa Helps (Mayor)" <LHelps@victoria.ca>
Subject: 224 Superior
July 24, 2018

Dear Mayor Helps,

Re: 224 Superior Street

First of all, thank-you very much for your time today and for your help in moving our project forward. As I said at the meeting, Fernando and I are artists and know little or nothing about development or municipal politics, so your suggestions are gratefully appreciated.

We have been working on the project for 2 years and have worked with City staff in both the Heritage and Planning Departments throughout. During this 2 year period, both departments made a number of suggestions and requests, and we were happy to address any concerns that were expressed to us and all those changes have been accepted.

Subsequent to our Public Hearing on July 12, and the disappointing result at that meeting, I have been making revisions to the design, specifically in response to concerns that were expressed by some Council members. If it were possible for these changes to be presented again to Council, I feel confident that we could gain Council's support for the project.

Specifically:

1. In response to concerns that the house crowded the heritage house, we can easily consider the following options to reduce the size of the new house:
 - a. Reduce the height of the roof
 - b. Reduce the overhang of the eaves
 - c. Reduce the size of the gable on the east side
 - d. Reduce the width of the house
 - e. Push back the second-floor bay window
 - f. Reduce the size of the lower roof.
2. We can eliminate the need for a variance by eliminating the second-floor piano windows.
3. We are happy to sign a covenant that would require the strata to permit rentals.

I hope that our willingness to make changes addressing concerns expressed by Council will make it possible for you to bring our project forward at the Council meeting on Thursday.

Yours sincerely,

Don Halton
Fernando García

B. Emails from Ray and Brenda Willis

From: RAY WILLIS <willisrw@shaw.ca>
Sent: 3-Aug-18 2:15 PM
To: Don and Fernando <ferndon22@gmail.com>
Subject: Re: Redevelopment of 224 Superior

Don thank you for bringing us the revised plans and pointing out the changes. We appreciate the changes to the house design, specifically the reduction in the overall height of the house, the elimination of the full length balcony at the back of the house and the elimination of the piano windows. In reducing the width of the house by 2 feet we hope that our request for the setback from 1.5m to 2.0m on the west side can be addressed. If you need our support going forward do not hesitate to contact us.
Ray and Brenda

-----Original Message-----

From: RAY WILLIS <willisrw@shaw.ca>
Sent: 3-Aug-18 2:43 PM
To: Don and Fernando <FERNDON22@gmail.com>
Subject: Redevelopment at 224

Don and Fernando

We have shared your design changes for the small lot house with our neighbour at 216 Superior. After discussing the changes with us she agrees with the changes as outlined and will support this design going forward.

Ray and Brenda

C. Petition Letters

We have already submitted to the Planning Department petition letters from 19 of the 21 neighbours abutting the property. We are happy to include these 2 additional letters of support for the project giving us 100% support from the neighbours.

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Don Halton, am conducting the petition requirements for the
(print name)

property located at 224 Superior Street

to the following Small Lot Zone: 4 Strata Units plus one R1S1 Lot

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Brenda + Ray Willis (see note above)

ADDRESS: 218 Superior St Victoria

Are you the registered owner? Yes No

I have reviewed the plans of the applicant and have the following comments:

I support the application.

I am opposed to the application.

Comments:

We are in support of the plans date stamped Aug 9 2018 which include the conditions we requested for changes including 1) elimination of rear balcony 2) lowering of roof by 4ft., 3) elimination of side windows and 4) moving 1ft.

Sept 27 2018
Date

Brenda Willis
Signature

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Please review the plans and indicate the following:

NAME: (please print) Helen Hurenbeek (see note above)

ADDRESS: 216 Superior St

Are you the registered owner? Yes No

I have reviewed the plans of the applicant and have the following comments:

I support the application.

I am opposed to the application.

Comments:

Oct 2, 2018
Date

Helen Hurenbeek
Signature